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REMARKS

Reconsideration of the instant application is respectfully requested in view of the foregoing amendments and the following comments. Claims 1-9 are in this application with new claims 8 and 9 added by this amendment.

In the office action, claims 1-3 are rejected under 35 U.S.C. § 102(e) as anticipated by Lee (U.S. 6,539,225). Claim 4 is rejected under 35 U.S.C. § 103(a) as unpatentable over Lee in view of Suzuki (U.S. 6,791,946). Claim 5 is rejected under 35 U.S.C. § 103(a) as unpatentable over Lee in view of Suzuki, and further in view of Baiyor (U.S. 6,282,429). Claim 6 is rejected under 35 U.S.C. § 103(a) as unpatentable over Lee in view of Dougliis (U.S. 6,487,596). And Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Dougliis, and further in view of Jennings (U.S. 6,597,774). These rejections are traversed for at least the following reasons:

Independent claim 1 recites in part that a managing communication device which releases an older tunnel to prevent the number of tunnels from exceeding a predetermined threshold. It is respectfully submitted that the relied upon portions of Lee, merely state that a tunnel may be released where the handoff procedure has been completed. Indeed this aspect of the invention described in Lee is supported by the specification at col. 5, lines 35-41. Thus, the possibility remains that where handoff does not occur two or more tunnels remain effective. In contrast, claim 1 states simply that to prevent exceeding a predetermined number of tunnels, older tunnels are released. Accordingly, it is submitted that the relied upon portions of Lee do not anticipate independent claim 1.

Similar distinguishing features can be found in independent claims 3, 4, and 6,

Claim 2 depends from claim 1 and is allowable therewith. Claims 5 and 7 respectively depending from independent claims 4 and 6 are also believed to be patentable at least because of their dependency from the respective independent claims 4 and 6. Moreover, it is submitted that the shortcomings of Lee are not addressed by the relied upon portions of Suzuki, Douglass, Baiyor or Jennings. Accordingly, withdrawal of the rejections is requested.

With respect to new claims 8 and 9 it is respectfully submitted that the relied upon portions of Lee fail to teach or suggest "a tunnel number managing portion decreasing a number of tunnels presently established upon timeout of a tunnel lifetime or a tunnel release and increasing the number of tunnels presently established upon addition of a new tunnel" as currently recited in these claims. Moreover, since the tunnel managing portion is not disclosed as discussed above, it is submitted that Lee fails to teach or suggest any regulation or control whatsoever using a number of tunnels presently established, a number which can be increased or decreased as necessary.

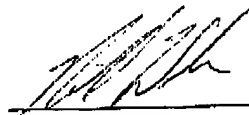
For at least the foregoing reasons it is submitted that claims 1-9 patentably distinguish over the relied upon portions of the cited references and are allowable.

Conclusion

In view of the remarks and amendments set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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